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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

In re:

Amendment of Section 73.606  
Table of Allotments  
TV Broadcast Stations  
Seattle, Washington

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)  
)  
)

MM Docket No.

**RECEIVED**

JUL 17 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch  
Policy and Rules Division

**PETITION FOR RULEMAKING**

KCTS Television ("KCTS"), by its counsel and pursuant to the *Public Notice*, in DA 99-2605, dated November 22, 1999 ("*Public Notice*"), hereby requests that the Commission institute a rulemaking proceeding to amend Section 73.606 of its Rules to substitute TV Channel \*53 in lieu of TV Channel \*62 at Seattle, Washington, and to continue to reserve the allocation for noncommercial educational use.<sup>1</sup> This substitution would serve the public interest because it would bring the second full service public television broadcasting service to Seattle, Washington. In addition, as the attached technical documentation demonstrates, KCTS's proposal on Channel \*53 will not cause impermissible interference to any other stations.

**Background**

KCTS is a nonprofit 501(c)(3) corporation that serves as the community licensee of KCTS(TV), Seattle, Washington and KYVE(TV), Yakima, Washington. KCTS's mission

<sup>1</sup> By this *Public Notice*, the Mass Media Bureau announced a window filing opportunity to allow applicants with certain pending requests for new analog (NTSC) television stations on Channels 60-69 to file petitions for rule making to change allotments to a channel below Channel 60. On December 7, 1995, KCTS filed an application to construct a full service NTSC TV station on Channel \*62. This application remains pending at the Commission in FCC File No. BPET-19951207KJ.

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includes K-12 curriculum-oriented activities and “cradle to grave” learning services centered around continuing, informal skills-building educational activities. Facing what was probably its last opportunity to activate a second public television station in Seattle, KCTS on December 7, 1995, filed an application for a construction permit for a full service station on Channel \*62 at Seattle, Washington. (See FCC File No. BPET-19951207KJ.) The application was accompanied by a request for waiver of the TV freeze. However, due to the reallocation of Channels 60-69, KCTS’s full service NTSC public television application can not now be processed for that channel. Consequently, KCTS has located a new channel below Channel 60 for its new full service station at Seattle to avoid dismissal of its pending Seattle TV application. Accordingly, KCTS now seeks to substitute Channel \*53 in lieu of Channel \*62.

As it stands, the KCTS Channel 62 application is mutually exclusive with an application filed by Washington Family Broadcasting Association (“WFBA”) for a new TV station at Seattle on Channel 62. Pursuant to the *Public Notice*, KCTS has contacted WFBA regarding these applications so that KCTS and WFBA could decide, collectively, which channel below Channel 60 to request. WFBA has indicated its interest in joining this petition, as demonstrated by the attached consent letter from WFBA.

Accordingly, in support of its petition, KCTS submits the following:

**The Substitution of TV Channel \*53 at Seattle, Washington Satisfies Technical and Regulatory Requirements**

The present proposal satisfies the minimum geographic spacing requirements with regard to all other U.S. analog TV stations and DTV stations, including DTV authorizations, applications, allotments and pending rule making proposals. See Engineering Statement. This proposal, however, requires a swap of Canadian allotments for a vacant channel at Victoria, BC. Specifically, the attached Engineering Statement demonstrates that if Channel \*59 were allocated

to Victoria instead of Channel \*53, all separation requirements would be met. Thus, to the extent necessary, KCTS requests coordination with Canada. *See* Engineering Statement.

The substitution of TV Channel \*53 at Seattle complies with the requirements of Section 73.606 of the Commission's Rules.

**Substitution of TV Channel \*53 at Seattle, Washington, Would Provide Seattle with a Valuable Source of Noncommercial Educational Programming.**

The FCC decision in the *Report in Order*, in ET Docket No. 97-157 (released January 6, 1998) to reallocate Channels 60-69 for other services will result in the dismissal of KCTS's pending full service TV Channel \*62 application, resulting in the loss of a TV channel specifically reserved for noncommercial educational use in Seattle. The deletion of Seattle's reserved TV channel without a replacement allotment would contradict long-standing Commission policy favoring development of telecommunications services. For example, Commission policy has mandated the preservation of educational channels for their intended use. *See, e.g., Television Channel Assignments*, 60 RR 2nd 784 (1986). Absent an alternative channel, the Commission has been particularly reluctant to delete or reallocate a reserved channel. *Id.* Accordingly, substitution of TV Channel \*53 in lieu of TV Channel \*62 in Seattle would serve the Commission's long-standing policy while also providing the city with its second full service noncommercial educational television facility. Clearly, this channel substitution is in the public interest.

The Commission recognizes the value of local programming, especially in noncommercial, educational broadcasting. *See, e.g., Educational TV Assignment at Terre Haute, Indiana*, 19 RR 2d 1850, 1853 (1970) ("We have repeatedly announced our policy to further local programming in the broadcast services. Local programming is essential particularly in the

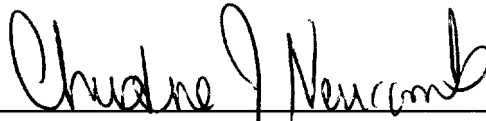
field of education in that local programming can most effectively deal with the specific problems, needs, and interests in the community being served.”).

### **CONCLUSION**

For all of these reasons, KCTS requests that the Commission institute a rulemaking proceeding to amend Section 73.606 of its Rules to substitute TV Channel \*53 for TV Channel \*62 at Seattle, Washington. If the Commission grants this petition and modifies the TV Table of Allotments accordingly, KCTS is committed to amending its pending application and constructing its TV station on Channel \*53.

Respectfully submitted,

KCTS TELEVISION

By: 

Todd D. Gray  
Margaret L. Miller  
Christine J. Newcomb

Attorneys for Petitioner

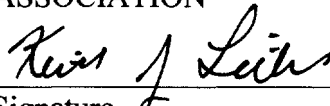
**Dow, Lohnes & Albertson, PLLC**  
1200 New Hampshire Avenue, N.W.  
Suite 800  
Washington, D.C. 20036  
(202) 776-2000

July 17, 2000

AGREEMENT TO JOIN IN PETITION FOR RULEMAKING  
TO SELECT ALTERNATE CHANNEL 53

I hereby agree to and approve a Petition for Rulemaking by KCTS Television to allot NTSC Channel 53 in lieu of Channel 62 in the Table of Allotments. This channel substitution is for the benefit of the currently pending applications, in FCC File Numbers BPET-19951207KJ and BPET-19960726KO, for a new full-service NTSC television station on Channel 62, Seattle, Washington.

WASHINGTON FAMILY BROADCASTING  
ASSOCIATION

  
Signature

Keith J. Leitch  
Name

Vice-President  
Title

1570 North Street

Apt #14

Santa Rosa, CA 95404  
Address

July 14, 2000  
Date

ENGINEERING REPORT  
 PETITION FOR RULE MAKING  
 TO AMEND SECTION 73.606(b)  
 OF THE FCC RULES BY SUBSTITUTING  
 UHF-TV CHANNEL 53 FOR CHANNEL 62  
 AT SEATTLE, WASHINGTON

JULY 2000

COHEN, DIPPELL AND EVERIST, P.C.  
 CONSULTING ENGINEERS  
 RADIO AND TELEVISION  
 WASHINGTON, D.C.

City of Washington )  
 ) ss  
District of Columbia )

He is a graduate electrical engineer of the University of Canterbury, New Zealand, a Registered Professional Engineer in the District of Columbia, the State of Virginia, the State of South Carolina, and Vice President of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005; previously employed for 15 years with the New Zealand Broadcasting Corporation; a member of the Institution of Professional Engineers New Zealand (IPENZ), the Association of Federal Communications Consulting Engineers (AFCCE), and the National Society of Professional Engineers (NSPE).

That the attached engineering report was prepared by him or under his supervision and direction and,

Warren M. Powis

Subscribed and sworn to before me this 12<sup>th</sup> day of July, 2000.

day of July, 2000.

Cary L. Lyons  
Notary Public

My Commission Expires: 2/28/2013

This engineering report has been prepared on behalf of KCTS Television, applicant for a new non-commercial educational television station on Channel 62\* at Seattle, Washington, in support of its petition for rule making to amend Section 73.606(b) of the FCC Rules and Regulations to specify Channel 53. In ET Docket No. 97-157, the Commission reallocated TV channels 60-69 for public safety and commercial fixed/mobile services. Accordingly, KCTS Television proposes to amend FCC Rule Section 73.606(b) as follows:

Seattle, Washington

Section 73.606(b) Substitute NTSC Channel 53\* for Channel 62\*

The reference coordinates for the proposed new allotments are at the KOMO-TV Channel 4 site:

NAD-27

North Latitude: 47° 37' 55"

West Longitude: 122° 21' 09"

Seattle, Washington, Allocation Situation

Tables I and II show the allocation situation for the proposed NTSC Channel 53 allotment.

It is proposed to operate the Channel 53 allotment with a non-directional ERP of 1000 kW with a radiation center of 270 meters AMSL.

Channel 53 was the only available alternate channel that would meet allocation criteria for the Seattle Market. Review of the Industry Canada DTV Transition Allotment Plan, Issue 2, April 1999 found that an unused Victoria, BC, Channel 40 NTSC allotment was moved to Channel 53.

This fact is not reflected in the Commission's CDBS data base which only lists the pre-1999



Canadian allotments. Accordingly, a search was undertaken to determine if a feasible alternate channel for Victoria, BC would be found.

Victoria, British Columbia, Allocation Situation

Tables III and IV show the allocation situation for an alternate Channel 59 allotment at Victoria, BC. KCTS Television requests that the Commission undertakes coordination with Canadian authorities in support of this request.

Favorable consideration will enable activation of a second non-commercial television service at Seattle, Washington, and will improve the spacing situation to two Canadian Channel 53 DTV allotments at Chilliwack, BC and Port Alberni, BC as shown in Table II-A.

Impact on DTV

There are no DTV allotments within 450 km on Channels 52, 53, or 54 (see Tables I and II). The proposed Channel 53 NTSC operation will, therefore, have no impact on DTV allotments or stations.

**TABLE I**  
**NTSC TO NTSC UHF-TV ALLOCATION SITUATION\***  
**FOR THE PROPOSED SUBSTITUTION OF NTSC**  
**CHANNEL 53 FOR CHANNEL 62 AT**  
**SEATTLE, WASHINGTON**  
**JULY 2000**

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual km</u>	<u>Required km</u>
N	53	Prop.	Seattle, WA	47°37'55" 122°21'09"	—	—
N-15	38	None within 200 km			—	119.9
N-14	39	None within 200 km			—	95.7
N-8	45	KHCV CP	Seattle, WA	47°30'17" 121°06'32"	32.2	31.4
N-8	45	KHCV Lic.	Seattle, WA	47°32'39" 122°06'32"	20.8	31.4
N-7	46	None within 200 km			—	95.7
N-5	48	None within 100 km			—	31.4
N-4	49	None within 100 km			—	31.4
N-3	50	None within 100 km			—	31.4
N-2	51	KBEH	Bellevue, WA	47°30'17" 121°58'04"	32.2	31.4
N-1	52	None within 450 km			—	87.7
N	53	None within 450 km			—	280.8
N+1	54	None within 450 km			—	87.7
N+2	55	None within 100 km			—	31.4
N+4	56	KWDK	Takoma, WA	47°30'17" 121°58'06"	32.2	31.4
N+4	57	None within 100 km			—	31.4
N+5	58	None within 100 km			—	31.4

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**TABLE I**  
**NTSC TO NTSC UHF-TV ALLOCATION SITUATION\***  
**FOR THE PROPOSED SUBSTITUTION OF NTSC**  
**CHANNEL 53 FOR CHANNEL 62 AT**  
**SEATTLE, WASHINGTON**  
**JULY 2000**  
**(continued)**

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual km</u>	<u>Required km</u>
N+7	60	None within 200 km			—	95.7
N+8	61	None within 100 km			—	31.4
N+14**	67	NEW	Olympia, WA	47°02'42" 122°53'24"	76.9	95.7
N+15	68	None within 200 km			—	119.9

Data Source: FCC CDBS Data Base

\*Reference Site: N 47° 37' 55", W 122° 21'09" (KOMO-TV, Channel 4)

\*\*Pending application cannot be granted on Channels 60-69.

TABLE I-A  
NTSC TO NTSC UHF-TV ALLOCATION SITUATION  
FOR THE PROPOSED SUBSTITUTION OF NTSC  
CHANNEL 53 FOR CHANNEL 62 AT  
SEATTLE, WASHINGTON  
JULY 2000

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual km</u>	<u>Required km</u>
N	53	Prop.	Seattle, WA	47°37'55" 122°21'09"	—	—
N-15	38	None within 200 km			—	120
N-14	39	Class B Allot.	from CH.15 Vancouver	49°16'00" 123°07'00"	190.4	95
N-8	45	Class A Allot.	from CH.58 Vancouver	49°16'00" 123°07'00"	190.4	30
N-7	46	Class A Allot.	Victoria, BC	48°25'00" 123°22'00"	115.5	95
N-5	48	None within 200 km			—	
N-4	49	None within 200 km			—	
N-3	40	None within 200 km			—	
N-2	51	None within 200 km			—	
N-1	52	Class A Allot.	Nanaimo, BC	49°10'00" 123°56'00"	206.9	90
N	53	Class B Allot.	from CH.40 Victoria, BC	48°25'00" 123°22'00"	115.5	280
N+1	54	Class B Allot.	Nanaimo, BC	49°10'00" 123°56'00"	206.9	90
N+2	55	None within 200 km			—	
N+3	56	None within 200 km			—	
N+4	57	None within 200 km			—	
N+5	58	None within 200 km			—	

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TABLE I-A  
NTSC TO NTSC UHF-TV ALLOCATION SITUATION  
FOR THE PROPOSED SUBSTITUTION OF NTSC  
CHANNEL 53 FOR CHANNEL 62 AT  
SEATTLE, WASHINGTON  
JULY 2000  
(continued)

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual km</u>	<u>Required km</u>
N+7	60	None within 200 km			—	
N+8	61	None within 200 km			—	
N+14	67	None within 200 km			—	
N+15	68	None within 200 km			—	

Data Source: Industry Canada DTV Transition Allotment Plan, Issue 2, April 1999.

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**TABLE II**  
**NTSC TO DTV UHF-TV ALLOCATION SITUATION\***  
**FOR THE PROPOSED SUBSTITUTION OF NTSC**  
**CHANNEL 53 FOR CHANNEL 62 AT**  
**SEATTLE, WASHINGTON**  
**JULY 2000**

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual km</u>	<u>Required km</u>
N	53	Prop.	Seattle, WA	47°37'55" 122°21'09"	—	—
N-1	52	None within 450 km			—	—
N	53	None within 450 km			—	—
N+1	54	None within 450 km			—	—

**Data Source:** FCC CDBS Data Base

\*Reference Sites: N 47° 37' 55", W 122° 21'09" (KOMO-TV, Channel 4)

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TABLE II-A  
NTSC TO DTV UHF-TV ALLOCATION SITUATION  
FOR THE PROPOSED SUBSTITUTION OF NTSC  
CHANNEL 53 FOR CHANNEL 62 AT  
SEATTLE, WASHINGTON  
JULY 2000

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic</u> <u>Coordinates</u>	<u>Separation</u>		<u>Separation</u> from Victoria CH.53 <u>Allotment</u> km
					<u>Actual</u> km	<u>Required</u> km	
N	53	Prop.	Seattle, WA	47°37'55" 122°21'09"	—	—	
N-1	52	None within 200 km			—	—	
N	53	Allot.	Chilliwack, BC	49°10'00" 121°57'00"	173.2	—	133.4
N	53	Allot.	Port Alberni, BC	49°14'00" 124°48'00"	254.0	—	139.0
N	53	CHKL-DT	Vernon, BC	50°16'58" 119°19'09"	369.1	—	
N+1	54	CIYV-DT	Victoria, BC	48°25'31" 123°20'08"	114.7	—	

Data Source: Industry Canada DTV Transition Allotment Plan, Issue 2, April 1999.

TABLE III  
NTSC TO NTSC UHF-TV ALLOCATION SITUATION  
FOR THE PROPOSED SUBSTITUTION OF NTSC  
CHANNEL 59 FOR CHANNEL 53 AT  
VICTORIA, BRITISH COLUMBIA, CANADA  
JULY 2000

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual km</u>	<u>Required km</u>
N	53	Prop.	Victoria, BC	48°25'00" 123°22'00"	—	—
N-15	44	None within 200 km			—	—
N-14	45	KHCV Lic.	Seattle, WA	47°32'39" 122°06'32"	135	—
N-14	45	KHCV CP	Seattle, WA	47°30'17" 121°58'06"	145.6	—
N-8	51	KBEH CP	Bellevue, WA	47°30'17" 122°06'32"	135	—
N-7	52	None within 200 km			—	—
N-5	54	None within 200 km			—	—
N-4	55	None within 200 km			—	—
N-3	56	KWDK CP	Tacoma, WA	47°32'53" 122°48'22"	105.3	—
N-3	56	KWDK Lic.	Tacoma, WA	47°30'17" 121°58'06"	145.6	—
N-2	57	None within 200 km			—	—
N-1	58	App.	Vancouver, WA	49°07'07" 122°07'32"	119.8	—
N	59	None within 450 km			—	—
N+1	60	None within 200 km			—	—
N+2	61	None within 200 km			—	—



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**TABLE III**  
**NTSC TO NTSC UHF-TV ALLOCATION SITUATION**  
**FOR THE PROPOSED SUBSTITUTION OF NTSC**  
**CHANNEL 59 FOR CHANNEL 53 AT**  
**VICTORIA, BRITISH COLUMBIA, CANADA**  
**JULY 2000**  
**(continued)**

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual km</u>	<u>Required km</u>
N+3	62	App.	Seattle, WA	47°36'58" 122°18'28"	119	—
N+4	63	None within 200 km			—	—
N+5	64	None within 200 km			—	—
N+7	66	None within 200 km			—	—
N+8	67	App.	Olympia, WA	47°02'42" 122°53'24"	156.6	—

**Data Source: FCC CDBS Data Base**

TABLE III-A  
NTSC TO NTSC UHF-TV ALLOCATION SITUATION  
FOR THE PROPOSED SUBSTITUTION OF NTSC  
CHANNEL 59 FOR CHANNEL 53 AT  
VICTORIA, BRITISH COLUMBIA, CANADA  
JULY 2000

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual km</u>	<u>Required km</u>
N	59	Prop.	Victoria, BC	48°25'00" 123°22'00"	—	—
N-15	44	Class A Allot.	Parksville, BC	49°19'00" 124°19'00"	122	—
N-14	45	Class A Allot.	Vancouver, WA	49°16'00" 123°07'00"	96.3	—
N-8	51	None within 200 km			—	—
N-7	52	Class A Allot.	Nanaimo, BC	49°10'00" 123°56'00"	93.2	—
N-5	55	Class A Allot.	Nanaimo, BC	49°10'00" 123°56'00"	93.2	—
N-4	55	Class B Allot.	Squamish, BC	49°42'00" 123°09'00"	143.6	—
N-3	56	None within 200 km			—	—
N-2	57	None within 200 km			—	—
N-1	58	None within 200 km			—	—
N	59	None within 200 km			—	—
N+1	60	None within 200 km			—	—
N+2	61	None within 200 km			—	—
N+3	62	None within 200 km			—	—
N+4	63	None within 200 km			—	—
N+5	64	None within 200 km			—	—

COHEN, DIPPELL AND EVERIST, P. C.

TABLE III-A  
NTSC TO NTSC UHF-TV ALLOCATION SITUATION  
FOR THE PROPOSED SUBSTITUTION OF NTSC  
CHANNEL 59 FOR CHANNEL 53 AT  
VICTORIA, BRITISH COLUMBIA, CANADA  
JULY 2000  
(continued)

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual km</u>	<u>Required km</u>
N+7	66	None within 200 km			—	—
N+8	67	None within 200 km			—	—

Data Source: Industry Canada DTV Transition Allotment Plan, Issue 2, April 1999.

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TABLE IV  
NTSC TO DTV UHF-TV ALLOCATION SITUATION  
FOR THE PROPOSED SUBSTITUTION OF NTSC  
CHANNEL 59 FOR CHANNEL 53 AT  
VICTORIA, BRITISH COLUMBIA, CANADA  
JULY 2000

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual</u> km	<u>Required</u> km
N	59	Prop.	Victoria, BC	48°25'00" 123°22'00"	—	—
N-1	58	None within 200 km			—	—
N	59	None within 450 km			—	—
N+1	60	None within 200 km			—	—

Data Source: FCC CDBS Data Base

TABLE IV-A  
NTSC TO DTV UHF-TV ALLOCATION SITUATION  
FOR THE PROPOSED SUBSTITUTION OF NTSC  
CHANNEL 59 FOR CHANNEL 53 AT  
VICTORIA, BRITISH COLUMBIA, CANADA  
JULY 2000

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual km</u>	<u>Required km</u>
N	59	Prop.	Victoria, BC	48°25'00" 123°22'00"	—	—
N	58	CBUT-DT	Vancouver, WA	49°21'12" 122°57'18"	108.5	—
N	59	CHBC-DT	Kelowna, BC	49°58'00" 119°31'40"	328.7	—
N	59	Class B Allot-DT	Comox, BC	49°40'00" 124°55'00"	179.4	—
N	60	None within 200 km			—	—

Data Source: Industry Canada DTV Transition Allotment Plan, Issue 2, April 1999.